

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMANDA FRLEKIN, *et al.*

Plaintiffs,

v.

APPLE, INC.,

Defendant.

No. C 13-03451 WHA

No. C 13-04727 WHA

**ORDER RE CONSOLIDATION
OF CASES AND REQUESTING
SUPPLEMENTAL BRIEFING**

TAYLOR KALIN,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Defendant Apple, Inc., has moved to consolidate the *Frlekin* and *Kalin* actions. Counsel in the *Frlekin* action do not oppose this motion, and counsel in the *Kalin* action have yet to file an opposition or a notice of non-opposition.

Courts have “broad discretion” in deciding whether to consolidate separate actions. *Investors Research Co. v. United States Dist. Ct. for the Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). In exercising this discretion, the Court “weighs the saving of time and effort

1 consolidation would produce against any inconvenience, delay, or expense that it would cause."
2 *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984).

3 Consolidating the *Frlekin* and *Kalin* actions would result in six different plaintiff law
4 firms representing plaintiffs in a single action. This would require considerable effort to craft a
5 consolidated complaint. Moreover, if the proposed consolidated action were to proceed as a
6 class action, the requests for reimbursement of costs and attorney's fees from the six law firms
7 would undoubtedly deplete the recovery for the putative class. An alternative is to select a
8 smaller group of plaintiffs and firms, perhaps one each, to proceed on a possible class basis, with
9 all others to proceed on an individual basis.

10 All counsel for all parties shall please submit memoranda commenting on the foregoing,
11 as well as which, if any, counsel should possibly be appointed as interim class counsel. The
12 memoranda should also address if one plaintiff is allowed to proceed as a putative class
13 representative, who it should be. This is due by **THURSDAY, JANUARY 9, 2014, AT NOON** and is
14 limited to seven pages per submission. Finally, all parties shall also advise the Court as to any
15 related actions elsewhere in the United States.

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17 **IT IS SO ORDERED.**

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19 Dated: January 6, 2014.

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21 WILLIAM ALSUP
22 UNITED STATES DISTRICT JUDGE
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